

DAC (S)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 5,582,982
Issued: December 10, 1995
Serial No.: 08/315,673
Filing Date: September 30, 1994

Applicants: Caskey et al.

Title: Multiplex Genomic DNA Amplification
for Deletion Detection



Docket No.: D-5050-CCC

Examiner: Ford, J.

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Box DAC
Assistant Commissioner for Patents
Washington, DC 20231

REQUEST FOR OFFICE TO ACCEPT FEES
PURSUANT TO 37 C.F.R. § 1.28

Dear Sir:

Applicants respectfully request that the PTO accept Applicants' submission of the fee difference between a small entity fee paid and the non-small entity fee due at the time of submission. Applicants submitted these fees on January 13, 1998. (Copy of petition submitting fees attached.)

Pending a decision in the appeal to the CAFC of *DH Technology, Inc. v. Synergystex International, Inc.*, 937 F. Supp. 902 (N.D. Cal. 1996) the PTO held the acceptance of Applicants' fee submission in abeyance. Applicants now note that the CAFC has ruled that a petition to revive is not required before the aforementioned fees can be accepted. See *DH Technology, Inc. v. Synergystex International, Inc.*, 154 F.3d 1333 (Fed. Cir. 1998) (attached).

Therefore, Applicants urge acceptance of the fees tendered in this Application on January 13, 1998.

Respectfully submitted,

Ross E. Davidson
Registration No. 41,698
Counsel for Applicants

Date: 10/23/98
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
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Neva M. Dare



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**OFFICE OF PETITIONS
DEPUTY A/C PATENTS**

**NOTICE UNDER 37 C.F.R. § 1.28(c)
OF APPLICANTS' ERROR IN CLAIMING SMALL ENTITY STATUS**

Dear Sir:

Applicants have discovered that small entity status was established in error on the above-referenced issued patent and some of its predecessor applications. Applicants erroneously claimed small entity status and paid small entity fees, believing in good faith that they were entitled to small entity status at the time the fees were paid.

As a result of the foregoing error, Applicants believe that the additional fees listed below are now due:

Application No. 08/315,673 (Patent No. 5,582,982)

Issue Fee	\$695.00
3 Mo. Extension Fee	\$500.00
1 Mo. Extension Fee (filed under '463)	\$55.00

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\$695.00

\$500.00

\$55.00 I, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C.

20231 on January 13, 1998
Neva M. Dore

Newman 1-13-98
Signature Date

Filing Fees	
- Basic Fee	\$435.00
- Ind. Claims > 3 (11)	\$495.00
- Claims > 20 (4)	\$44.00

Application No. 08/060,463

Filing Fees	
- Basic Fee	\$435.00
- Ind. Claims > 3 (7)	\$315.00

Application No. 07/770,742

Notice of Appeal	\$175.00
3 Mo. Extension Fee	\$545.00
Filing Fees	
- Basic Fee	\$475.00
- Ind. Claims > 3 (7)	\$364.00

TOTAL FEES DUE TO UNDERPAYMENT AS A SMALL ENTITY
\$4,533.00

The above includes the preceding applications of Patent No. 5,582,982. Applicants believe that no additional fees are due on Application No. 07/256,689 because Applicants' claim of small entity status was proper at the time Application No. 07/256,689 was filed.

Pursuant to 37 C.F.R. § 1.28(c) Applicants herewith submit the fees representing the difference between small and large entity status for those fees which were incorrectly submitted. Please charge the sum of \$4,533.00 to the deposit account of Fulbright & Jaworski L.L.P., Account No. 06-2375, under Order No. 883159/D-5050, from which the undersigned is authorized to draw. If any additional fees are due or missing please also withdraw these fees from the same deposit account. An additional copy of this letter is attached for accounting purposes.

Respectfully submitted,

Thomas D. Paul

Thomas D. Paul
Registration No. 32,714
Counsel for Applicants

Date: 1/13/98

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